

REMARKS

Status of Claims:

Claims 1-32 are present for examination.

Drawing Changes:

The examiner is requested to approve the drawing changes submitted in the previously filed amendment dated March 29, 2005.

Prior Art Rejection:

Claim 27 stand rejected under 35 U.S.C. § 102 as anticipated by Rowe. Further various claims stand rejected under 35 U.S.C. § 103 as obvious over Rowe in combination with one or more of the secondary references of Schlesinger and McFee.

The examiner's rejections are respectfully traversed.

Applicant's claim 1 has been amended and now reads:

1. A thermal collection system comprising:

a first tank for storing relatively hot working fluid,

a second tank for storing relatively cold working fluid,

a heat exchanger connected for receiving said relatively hot working fluid from said first tank for providing heat to said heat exchanger, said heat exchanger discharging said working fluid at a lower temperature than a temperature of said relatively hot working fluid of said first tank;

a solar collector connected for receiving the lower temperature working fluid from said heat exchanger, an intake side of said solar collector connected to said heat exchanger at least in a flow path independent of said second tank and for heating said lower temperature working fluid, heated working fluid output from said solar collector being fed to at least one of said first tank and said second tank;

said second tank having a control valve selectively operative for permitting working fluid from said second tank to flow to said solar collector.

The single underlined portion of the above claim was previously inserted in the prior amendment and the double underlined portion is made in the instant amendment. This double underlined portion has been made at the suggestion of the examiner, and while the exact language suggested by the examiner has not been used, the substance of the examiner's suggestion as been adopted.

Similar changes have been made to all of applicant's independent claims.

For example, claim 27, rejected under 35 U.S.C. § 102 recites:

27. (Currently Amended) A method of thermal collection comprising the steps of:

receiving said relatively hot working fluid from a first tank and for providing same to a heat exchanger,

discharging said working fluid from the heat exchanger at a lower temperature than a temperature of said relatively hot working fluid from said first tank;

collecting solar energy in a solar collector connected for receiving the lower temperature working fluid from said heat exchanger;

heating said lower temperature working fluid in the solar collector;

feeding said heated working fluid from the solar collector to said first tank or to a second tank, containing working fluid at a lower temperature than said first tank; and

feeding working fluid from said second tank to said solar collector;

feeding working fluid from said heat exchanger to an intake side of said solar collector at least in a flow path independent of said second tank.

The change made to claim 27 is similar to claim 1 and is seen to remove the Rowe reference as being an anticipatory reference. In order for a reference to be utilized as an anticipatory reference under the provisions of 35 U.S.C. § 102, the reference must disclose each and every claim limitation. This is certainly not the case here, and thus the Sec. 102 rejection must be withdrawn.

It is submitted that all of applicant's claims now clearly distinguish over the primary Rowe reference in that Rowe does not disclose nor make obvious the underlined and doubly underlined portions set forth above in connection with claims 1 and 27. As indicated, similar changes have been made to all of applicant's independent claims. Moreover, the secondary references, applied with respect to applicant's dependent claims do not supply the limitations missing from Rowe. As such it is thus submitted that the PTO has not made out a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103, and thus applicants claims are patentable over the prior art.

Applicant's dependent claims are deemed to be patentable by virtue of their dependency on the above discussed independent claims.

Conclusions:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 8-3-05

By David A. Blumenthal

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399

David A. Blumenthal
Attorney for Applicant
Registration No. 26,257



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert W. Bussard

Title: AUTOSOLAR THERMAL ELECTRIC
CONVERSION (ASTEC) SOLAR
POWER SYSTEM:

Appl. No.: 10/767,416

Filing Date: 01/28/2004

Examiner: Hoang M. Nguyen

Art Unit: 3748

CERTIFICATE OF MAILING BY EXPRESS MAIL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

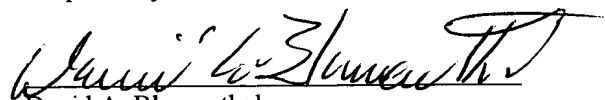
Commissioner:

I hereby certify that the following paper(s) and/or fee along with any attachments referred to or identified as being attached or enclosed are being deposited with the United States Postal Service as Express Mail (Express Mail Label No. EV420551065US) under 37 C.F.R. § 1.10 on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

1. Amendment and Reply Under 37 C.F.R. § 1.116
2. Amendment Transmittal
3. Postcard

August 3, 2005
Date

Respectfully submitted,


David A. Blumenthal
Reg. No. 26,257

Foley & Lardner LLP
Customer Number: 22428
Telephone: (202) 672-5407
Facsimile: (202) 672-5399